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**CONFIDENTIAL AND PRIVILEGED
ATTORNEY CLIENT COMMUNICATION**

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TO: U.S. Patent and Trademark Office
Examiner: Cam Nguyen Group: 1754
Fax #703-872-9306

FROM: Joan L. Simunic Reg. No. 43,125

DATE: September 24, 2003

PAGES: 20 in total (including cover sheet)

RE: U.S. Patent Application No. 09/851,177

Remarks: This facsimile is in response to the office action,
having a mailing date of March 26, 2003

Enclosed are:

- (1) Transmittal Form.
- (2) Fee Transmittal for FY 2003
- (3) Credit Card Payment Form
- (4) Petition for Extension of Time
- (5) Response to Office Action
- (6) Clean Unmarked Version of Claims Now in Application

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.


Donna Ferrill
Person Signing

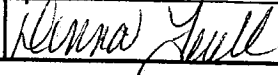

Signature

9/24/03
Date

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/851,177
	Filing Date	May 8, 2001
	First Named Inventor	X. D. Hu
	Art Unit	1754
	Examiner Name	Cam Nguyen
Total Number of Pages in This Submission	20	Attorney Docket Number ZL 494/01001

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Postcard
Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Joan L. Simunic, Reg. 43,125
Signature	
Date	September 23, 2003

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Diana Fern II	
Signature		Date September 24, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**FEE TRANSMITTAL
for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 930.00**Complete if Known**

Application Number	09/851,177
Filing Date	May 8, 2001
First Named Inventor	X. D. Hu
Examiner Name	Cam Nguyen
Art Unit	1754
Attorney Docket No.	ZL 494/01001

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit
Account
Number
Deposit
Account
Name**The Director is authorized to: (check all that apply)**

- ☐ Charge fee(s) indicated below ☐ Credit any overpayments
- ☐ Charge any additional fee(s) during the pendency of this application
- ☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) n/a

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims -20** = X =

Independent Claims -3** = X =

Multiple Dependent =

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	-
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	-
1053	130	1053	130	Non-English specification	-
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	-
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	-
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	-
1251	110	2251	55	Extension for reply within first month	-
1252	410	2252	205	Extension for reply within second month	930
1253	930	2253	465	Extension for reply within third month	-
1254	1,450	2254	725	Extension for reply within fourth month	-
1255	1,970	2255	985	Extension for reply within fifth month	-
1401	320	2401	160	Notice of Appeal	-
1402	320	2402	160	Filing a brief in support of an appeal	-
1403	280	2403	140	Request for oral hearing	-
1451	1,510	1451	1,510	Petition to institute a public use proceeding	-
1452	110	2452	55	Petition to revive - unavoidable	-
1453	1,300	2453	650	Petition to revive - unintentional	-
1501	1,300	2501	650	Utility issue fee (or reissue)	-
1502	470	2502	235	Design issue fee	-
1503	630	2503	315	Plant issue fee	-
1460	130	1460	130	Petitions to the Commissioner	-
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	-
1806	180	1806	180	Submission of Information Disclosure Stmt	-
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	-
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	-
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	-
1801	750	2801	375	Request for Continued Examination (RCE)	-
1802	900	1802	900	Request for expedited examination of a design application	-

Other fee (specify) -

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 930**SUBMITTED BY**Name (Print/Type) **Jean L. Simunic**Registration No.
(Attorney/Agent)

43,125

(Complete if applicable)

Telephone 502-634-7373

Signature

Date

September 23, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,177	05/08/2001	X.D. Hu	ZL494/01001	2722

22884 7590 11/18/2003
MIDDLETON & REUTLINGER
2500 BROWN & WILLIAMSON TOWER
LOUISVILLE, KY 40202

EXAMINER

NGUYEN, CAM N

ART UNIT PAPER NUMBER

1754

DATE MAILED: 11/18/2003

RECEIVED NOV 2 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

- Notice of Abandonment -

Notice of Abandonment

Application No.

09/851,177

Applicant(s)

Hu et al.

Examiner

Cam Nguyen

Art Unit

1754



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on Mar 26, 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted issue fee of \$ _____ is insufficient. A balance of \$ _____ is due.

The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d) is \$ _____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Cam Nguyen
11/17/03

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.